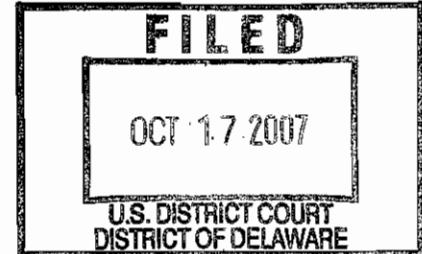


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MELISSA L. TURNEY,	:	
ROSS E. TURNEY, her husband	:	
and T.S., her minor son, by Melissa	:	
Turney as Parent and Legal Guardian,	:	Dist. Ct. No. <u>07-648</u>
Plaintiffs,	:	CIVIL ACTION No.: 07C-08-035 JTV
v.	:	
ARTHUR GLOVER, and	:	NOTICE OF REMOVAL
WENGER TRUCK LINE, INC.,	:	
a Foreign Corporation	:	
Defendants.	:	



Arthur Glover and Wenger Truck Line, Inc., defendants in the above entitled action, respectfully state as follows:

1. On August 22, 2007, a civil action was commenced against the defendants in the Superior Court of the State of Delaware in and for Kent County entitled Melissa L. Turney, Ross E. Turney, her husband and T.S., her minor son, by Melissa Turney as Parent and Legal Guardian v. Arthur Glover, and Wenger Truck Line, Inc., a Foreign Corporation; Civil Action No. 07C-08-035 JTV. Plaintiff has certified that damages exceed \$100,000 and, therefore, filed the complaint as a non-arbitration case. Copies of all pleadings and process filed against defendants in this action are attached hereto.

2. The aforementioned case is a personal injury action that arose from an alleged August 25, 2005 motor vehicle accident.

3. On September 27, 2007 Defendant Wenger Truck Line, Inc., received copies of the summons, praecipe and complaint.

4. Plaintiffs are allegedly residents of the State of Delaware who reside at 30 Vineyard Lane, Felton, Delaware 19943.

5. At the time the action was commenced, Defendant Wegner Truck Lines, Inc., is a foreign corporation existing under the laws of the state of Iowa with its principal place of business located at 1011 Floral Lane, Davenport, Iowa 52802.

6. At the time the action was commenced, Defendant Arthur Glover is a resident of the State of Illinois who resides at Van Wie Avenue, Rockford, Illinois 61103.

7. This Court has original jurisdiction of this action on the basis of diversity of citizenship, under 28 U.S.C. §1332, and removal jurisdiction under 28 U.S.C. §1441(a).

8. The petitioners will give written notice of the filing of this petition to the plaintiffs as required by 28 U.S.C. §1446(d).

9. A copy of this notice will be filed with the Prothonotary for Kent County Superior Court as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendants request that the action filed in Kent County Superior Court be removed to and proceed forward in the United States District Court for the District of Delaware.

CASARINO, CHRISTMAN & SHALK, P.A.



Stephen P. Casarino, Esq.

Del. Bar ID No. 174

Sarah C. Brannan, Esq.

Del. Bar ID No. 4685

800 N. King Street, Suite 200

P.O. Box 1276

Wilmington, DE 19899

(302) 594-4500

Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MELISSA L. TURNEY,	:	District Court No. <u>07-6048</u>
ROSS E. TURNEY, her husband	:	
and T.S., her minor son, by Melissa	:	
Turney as Parent and Legal Guardian,	:	CIVIL ACTION No.: 07C-08-035 JTV
Plaintiffs,	:	NOTICE OF REMOVAL
v.	:	
ARTHUR GLOVER, and	:	
WENGER TRUCK LINE, INC.,	:	
a Foreign Corporation	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Stephen P. Casarino, Esq., hereby certify that I have caused to be served via first class mail/hand delivery at 800 North King Street, Suite 200, Wilmington, DE 19801, on this 19th day of October 2007, a true and correct copy of the attached Notice of Removal to:

Steven J. Stirparo, Esquire
3622 Silverside Road
Wilmington, DE 19810

CASARINO, CHRISTMAN & SHALK, P.A.



STEPHEN P. CASARINO, ESQ. #174
SARAH C. BRANNAN, ESQ. #4685
800 N. King Street, Suite 200
Wilmington, DE 19899-1276
(302) 594-4500
Attorneys for the Defendant

CIVIL COVER SHEET

07-648

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Melissa L. Turney, Ross E. Turney, her husband and T.S., her minor son, by Melissa Turney as Parent and Legal Guardian		DEFENDANTS Arthur Glover and Wenger Truck Line, Inc., A Foreign Corporation	
(b) County of Residence of First Listed Plaintiff _____ <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>		County of Residence of First Listed Defendant _____ <small>(IN U.S. PLAINTIFF CASES ONLY)</small>	
(c) Attorney's (Firm Name, Address, and Telephone Number) Steven J. Stirparo, Esq. 3622 Silverside Road, Wilm, DE 19810-302-479-9555		Attorneys (If Known) Stephen P. Casarino, Esq. and Sarah C. Brannan, Esq., 800 N. King Street, #200 Wilmington, DE 19801 302-594-4500	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		PTF DEF Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 <input type="checkbox"/> 4	
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity <small>(Indicate Citizenship of Parties in Item III)</small>		Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5	
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6	
IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT		TORTS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		PERSONAL INJURY <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability 	
REAL PROPERTY		CIVIL RIGHTS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		PRISONER PETITIONS <ul style="list-style-type: none"> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights Habeas Corpus: <ul style="list-style-type: none"> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition 	
FORFEITURE/PENALTY			
BANKRUPTCY			
OTHER STATUTES			
<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other			
PROPERTY RIGHTS			
<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark			
LABOR			
SOCIAL SECURITY			
<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act			
FEDERAL TAX SUITS			
<input type="checkbox"/> 861 HIA (1395ft) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))			
STATE TAX SUITS			
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609			
OTHER			
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes			
V. ORIGIN (Place an "X" in One Box Only)		VI. CAUSE OF ACTION	
<input type="checkbox"/> 1 Original Proceeding		<input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) _____ <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 1441			
Brief description of cause: Notice of Removal of personal injury action with diversity of citizenship			
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION <small>UNDER F.R.C.P. 23</small>	
		DEMAND \$ _____ <small>CHECK YES only if demanded in complaint:</small> JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No	
VIII. RELATED CASE(S) IF ANY		<small>(See instructions):</small> JUDGE _____ DOCKET NUMBER _____	
<small>DATE</small> _____ SIGNATURE OF ATTORNEY OF RECORD 			
<small>FOR OFFICE USE ONLY</small>			
<small>RECEIPT #</small> _____		<small>AMOUNT</small> _____	
		<small>APPLYING IFP</small> _____	
		<small>JUDGE</small> _____	
		<small>MAG. JUDGE</small> _____	

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-648

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 3 COPIES OF AO FORM 85.

10/17/07

(Date forms issued)

Lori A. McQuilling
(Signature of Party or their Representative)

Lori A. McQuilling
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action